

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
SERVANDO LOPEZ,)
)
Defendant.)

8:07MJ61

**APPLICATION FOR ARREST
AND DETENTION OF MATERIAL
WITNESS(ES) PURSUANT TO
18 U.S.C. § 3144**

The United States of America moves pursuant to 18 U.S.C. § 3144 for the arrest and detention of the following person(s) whose testimony is material in this criminal proceeding:

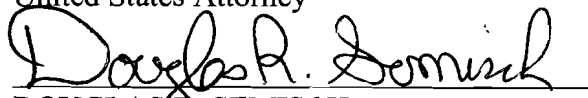
1. Osber Zambrano-Ruiz
2. Amador Fernandez-Sanches

This application is based upon the information in the attached affidavit of ICE Special Agent Charles Batch which shows that each person named above possesses testimony which is material to this case and that it may become impracticable to secure the presence of these witnesses by subpoena.

UNITED STATES OF AMERICA,
Plaintiff

JOE W. STECHER
United States Attorney

By:


DOUGLAS R. SEMISCH

Assistant United States Attorney
1620 Dodge Street, Suite 1400
Omaha, Nebraska 68102-1506
(402) 661-3700

A F F I D A V I T

State of Nebraska)
)
) ss
)
County of Douglas)

Charles J. Bautch, being of lawful age and duly sworn, deposes and states:

1. Affiant is a Special Agent of Immigration and Customs Enforcement (hereinafter “ICE”), Department of Homeland Security, Omaha, Nebraska, duly appointed according to law and at the time of the events herein was acting in his official capacity.

2. Affiant was previously an Inspector of Customs and Border Protection, Department of Homeland Security, and the Immigration and Naturalization Service, Department of Justice, with fourteen years experience.

3. ICE agents have the authority to investigate violations of the Immigration and Nationality Act, Title 8, United States Code and Title 18, United States Code.

4. The testimony of Amador FERNANDEZ-SANCHES and Osber ZAMBRANO-RUIZ is material in a criminal proceeding filed in United States District Court, District of Nebraska, entitled United States of America vs. Jose Antonio LOPEZ-HUERTA.

5. During an interview conducted by Special Agent Smith, FERNANDEZ-SANCHES stated he is a native and citizen of Mexico who entered the United States without

inspection. During an interview conducted by Special Agent Buckley, ZAMBRANO-RUIZ stated he is a native and citizen of Mexico who entered the United States without inspection.

6. The above named persons have been placed in removal proceedings, which may result in removal from the United States prior to the completion of the above proceeding.

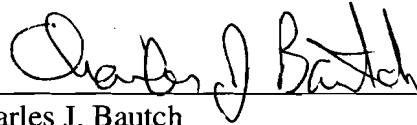
7. If removed to Mexico it would be impracticable to secure the presence of the above named persons by subpoena.

8. When interviewed by Special Agent Hernandez, Amador FERNANDEZ-SANCHES stated that he has been living with Jose Antonio LOPEZ-HUERTA (also known as Servando LOPEZ, also known as "Tonito") for approximately twenty (20) days. FERNANDEZ-SANCHES stated that LOPEZ-HUERTA is married to his niece, Jobita, and that LOPEZ-HUERTA has been working at "Famous Dave's" in the Old Market, Omaha, Nebraska. FERNANDEZ-SANCHES stated he knows LOPEZ-HUERTA was supplying documents because LOPEZ-HUERTA made and provided him with documents so he could obtain employment at "Famous Dave's" in Bellevue, Nebraska. FERNANDEZ-SANCHES stated he knows that LOPEZ-HUERTA has been dealing in documents for approximately one (1) year and six (6) months.

9. When interviewed by Special Agent Hernandez, Osber ZAMBRANO-RUIZ stated that he has been living with Jose Antonio LOPEZ-HUERTA (also known as Servando LOPEZ, also known as "Tonito") for approximately one (1) year and eight (8) months.

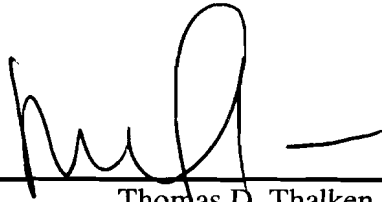
ZAMBRANO-RUIZ stated that LOPEZ-HUERTA is married to his aunt, Jobita, and that LOPEZ-HUERTA has been working at "Famous Dave's" in the Old Market, Omaha, Nebraska. ZAMBRANO-RUIZ stated he knows LOPEZ-HUERTA was supplying documents because LOPEZ-HUERTA made and provided him with documents so he could obtain employment at "Famous Dave's" in Old Market, Omaha, Nebraska. ZAMBRANO-RUIZ stated he knows that LOPEZ-HUERTA has been dealing in documents for approximately one (1) year.

Affiant states that all statements contained in this affidavit are true and correct to the best of his knowledge.



Charles J. Bautch
Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence on this 11th day of May 2007 at Omaha, Nebraska.



Thomas D. Thalken
United States Magistrate Judge
District of Nebraska